

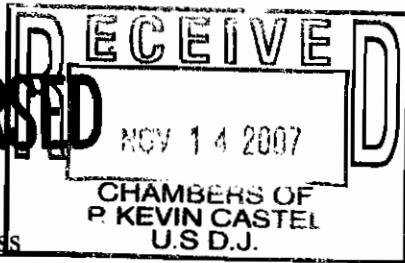
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MEMO ENDORSED



By Federal Express

November 13, 2007

Honorable P. Kevin Castel
United States District Judge
U. S. District Court, Southern District of New York
500 Pearl Street
Room 2260
New York, N.Y. 10007

Re: *Judelson v. Tarragon Corp., et al.*; Case No. 07-7972 (PKC);
Nelson v. Tarragon Corp., et al.; Case No. 07-8438 (PKC); and
Berger v. Tarragon Corp., et al.; Case No. 07-Civ-8689 (PKC)

Dear Judge Castel:

We are counsel for plaintiff Paul Berger in one of the above-referenced actions.

Rule 2.A.1 of Your Honor's Individual Practices require a pre-motion conference prior to filing a motion. However, the federal securities laws require that any motion for appointment of lead plaintiff be filed no later than 60 days after notice of the lawsuit's commencement is publicly disseminated. 15 U.S.C. §§ 78u-4(a)(3)(A) and (B). That motion, based on the timing of the notice, is due today. A pre-motion conference cannot obviate the need for a motion given the statutory requirement. Therefore, we respectfully request that Your Honor waive the general requirement for a pre-motion conference for this particular motion.

Also, pursuant to Your Honor's Individual Practices, enclosed are courtesy copies of the motion papers, consisting of a Notice of Motion, Memorandum in Support and the Affidavit of Jeffrey S. Abraham with attached exhibits.

Respectfully,

Jeffrey S. Abraham
Jeffrey S. Abraham

cc: Ian Berg, Esq.
Samuel Rudman, Esq.
Eliot Lauer, Esq.
(by facsimile)

*Pre-motion conference waived
for all motions for
appointment of
lead counsel.
SO ORDERED
11-14-07*